

Application No.: 10/584,968
Filing Date: June 30, 2006

REMARKS

This is in response to the Office Action mailed April 11, 2008.

Applicants would initially like to thank Examiner Dornbusch for allowing the personal interview on June 30, 2008 with co-inventor Richard Davis and the undersigned. This amendment takes into account both the outstanding Office Action and the discussions which occurred at the interview.

In the Office Action, Claims 30 through 35, 45 and 46 were objected to under 37 C.F.R. § 1.75(c). Claims 30 through 35, 45 and 46 have been cancelled herein, thereby resolving this objection.

The Examiner also imposed a provisional obviousness type double patenting rejection, based upon other of Applicants' related applications. The provisional double patenting rejection is noted, and unless the present application is the first of the subject applications to issue, Applicants intend to submit a terminal disclaimer to overcome the rejection.

Claims 48 and 49 stand rejected under 35 U.S.C. § 112, first paragraph, as lacking written description support for the term "laminate structure". Claim 48 has been cancelled herein, and Claim 49 has been amended in a manner which is believed to overcome this rejection.

Independent Claim 14 and a number of dependent claims stand rejected under 35 U.S.C. § 102(b) as identically disclosed in U.S. Patent No. 6,325,826 to Vardi et al. According to the Examiner, "at least one circumferential link (34) connected to the frond (18), the circumferential link spaced axially apart from the support (Figure 5 and column 7 lines 45-47)". Office Action at page 5.

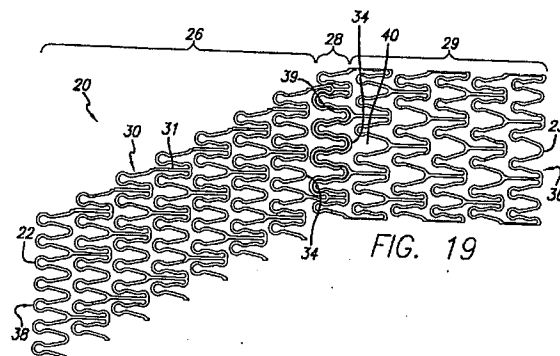
As discussed at the interview, element 34 disclosed in Vardi is a retractible outer sheath on the deployment catheter, which surrounds the prosthesis during deployment and is thereafter proximally retracted and removed from the patient following deployment of the branch stent.

As amended, Claim 14 recites, among other things, the following:

The elongate, flexible fronds, the support and the circumferential link defining a unitary body as deployed

Thus, Applicants respectfully submit that the circumferential link contemplated by Applicants' Claim 14 is a part of the prosthesis, left behind following removal of the deployment catheter. As such, Applicants respectfully request that the § 102(b) rejection over Vardi be withdrawn.

Claim 14 additionally stands rejected under 35 U.S.C. § 102(e) as identically disclosed in U.S. Patent Publication No. 2002/0183763 to Callol et al. According to the Examiner, Callol discloses at least one frond 39 extending from an end of the support 26 and at least one circumferential link 28 connected to the frond 39, the circumferential link spaced axially apart from the support. The Examiner referenced Figure 19 in Callol:



As described and demonstrated at the interview, Applicants' circumferential link is on one end of the prosthesis and the support or stent is on an opposite end of the prosthesis. The circumferential link is separated from the support by a plurality of elongate fronds, separated by elongate spaces, such that the fronds are not laterally (circumferentially) connected to each other along their length. These elongate axially oriented sidewall spaces on the prosthesis create windows so that the main vessel stent and deployment system may easily cross through the sidewall of the prosthesis to span the ostium to the branch vessel.

As amended herein, Applicants respectfully submit that Claim 14 captures these structural differences from the device disclosed in Callol. In pertinent part, Claim 14 recites the following:

At least two elongate flexible fronds, each having a first end, a second end and a length in between, the fronds extending from an end of the support and configured to be positioned across the Os and into the main body lumen; and at least one circumferential link connected to the second ends of the fronds, the circumferential link spaced axially apart from the support by the fronds;

the elongate flexible fronds, the support and the circumferential link defining a unitary body as deployed, having elongate side wall openings in between adjacent fronds for facilitating crossing of a main vessel stent therethrough when the support is positioned in the branch body lumen and the circumferential link is positioned in the main body lumen.

Since this structure is nowhere disclosed or suggested in Callal, Applicants respectfully request that the §102 (e) rejection be withdrawn.

Independent Claim 14 additionally stands rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,342,387 to Summers et al. in view of U.S. Patent No. 6,325,826 to Vardi et al. The Examiner interpreted Summers as teaching every limitation of Claim 14 except for the circumferential link connected to the fronds. As discussed above, the Examiner interpreted Vardi as disclosing circumferential link 34 connected to the frond 18, spaced axially apart from the support.

As discussed above, amended Claim 14 recites, among other things, that the elongate flexible fronds, the support and the circumferential link define “a unitary body as deployed”. To the contrary, element 34 disclosed in Vardi is a retractable outer sheath on the deployment catheter. As a consequence, element 34 in Vardi does not disclose or suggest the circumferential link as a part of a unitary body as deployed.

At least as a consequence of the foregoing, the combination of Summers and Vardi fails to produce Applicant’s present claimed invention. Accordingly, Applicants respectfully request that the outstanding obviousness rejection be withdrawn.

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In addition to the amendments discussed above relating to Claim 14, various housekeeping amendments have been made to the dependent claims. None of the amendments made herein is believed to introduce new matter.

Written description support for the amendments made herein may be found at various places in the specification including, but not limited to the following. With regard to Claim 14, written description support for the elongate flexible fronds, sidewall openings and related structure may be found in figures 2F, 25 and 26, and related disclosure. The undulating pattern having at least three apexes recited in Claim 15 is disclosed at paragraph 140 of Applicant's publication number US 2008/ 0039919 A1 to Kaplan et al. The three frond implementation recited in Claim 16 is disclosed in paragraph 69 of the publication. The frond length of at least about 8 millimeters recited in Claim 20 may be found at paragraph 147 of the publication. The frond structure including a plurality of parallel, undulating filaments recited in Claim 36 may be found at paragraph 126 of the publication. The circumferential link comprising a single transverse filament recited in Claim 43 may be found in paragraph 141 of the publication. The transition section recited in Claim 44 may be found throughout the drawings and, for example, in paragraph 63 of the publication.

In view of the foregoing, Applicants respectfully submit that all currently pending claims in the present application are in condition for allowance, and such action is earnestly requested.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 7/14/08

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